

# NOTICE OF PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

## Agency Information

1. Agency: Insurance - Administration  
 Room no.: 3110  
 Building: STATE OFFICE BLDG  
 Street address 1: 450 N MAIN ST  
 Street address 2:  
 City, state, zip: SALT LAKE CITY UT 84114-1201  
 Mailing address 1: PO BOX 146901  
 Mailing address 2:  
 City, state, zip: SALT LAKE CITY UT 84114-6901

## Contact person(s):

Name: Phone: Fax: E-mail:

Jilene Whitby	801-538-3803	801-538-3829	jwhitby@utah.gov
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(Interested persons may inspect this filing at the above address or at DAR during business hours)

## Rule Information

DAR file no: 38376 Date filed: 03/19/2014 10:20 AM  
 State Admin Rule Filing Key: 155063  
 Utah Admin. Code ref. (R no.): R 590 - 269 - 4  
 Changed to Admin. Code ref. (R no.): - -

Title

## 2. Title of rule or section (catchline):

Open and Special Enrollment Periods.

## Notice Type

## 3. Type of notice: Amendment

## Rule Purpose

## 4. Purpose of the rule or reason for the change:

The change is being made to correct the open-enrollment period for 2015 and following years to match that required by the federal Department of Health & Human Services.

## Response Information

## 5. This change is a response to comments by the Administrative Rules Review Committee.

No

## Rule Summary

## 6. Summary of the rule or change:

The change in the open-enrollment period will comply with that of the federal government and will lengthen the open-enrollment period for 2015.

## Aggregate Cost Information

## 7. Aggregate anticipated cost or savings to:

## A) State budget:

Affected: No

Changing the date of the open-enrollment period will have no fiscal impact on the department or state's budgets. It simply puts Utah in compliance with federal laws and provides more time for people to enroll for an individual health benefit plan outside the Federally Facilitated Marketplace. It will not make a change in fees coming into the department or costs to the department.

## B) Local government:

Affected: No

The changes to this rule will have no fiscal impact on local governments. It simply correlates the open enrollment dates with those required by the federal government and provides more time for individuals to enroll in individual health benefit plans provided by health insurers.

## C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

The changes to this rule will have no impact on small businesses. The change will

lengthen the open enrollment period for individuals to enroll in individual health benefit plans, which may allow more people to apply for the coverage.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

The changes to this rule will have its greatest impact on insurers selling individual health benefit plans and on those individuals seeking coverage in the market place. The change will lengthen the open enrollment period for individuals to enroll in individual health benefit plans, which may cause more people to purchase coverage they have not had before and insurance companies to sell more policies. The fiscal impact would vary from one individual and insurer to another.

#### Compliance Cost Information

##### 8. Compliance costs for affected persons:

The changes to this rule will have its greatest impact on insurers selling individual health benefit plans and on those individuals seeking coverage in the market place. The change will lengthen the open enrollment period for individuals to enroll in individual health benefit plans, which may cause more people to purchase coverage they have not had before and insurance companies to sell more policies. The fiscal impact would vary from one individual and insurer to another.

#### Department Head Comments

##### 9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The impact of the length of the open-enrollment period may increase health insurers sales of individual health benefit plans. The impact, if any, would vary from insurer to insurer. It cannot be determined at this time.

B) Name and title of department head commenting on the fiscal impacts:

Todd E. Kiser, Insurance Commissioner

#### Citation Information

##### 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

31A-30-117(1)(c)

#### Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

<p style="text-align: right;">Official Title of Materials Incorporated (from title page):</p> <p style="text-align: right;">Publisher:</p> <p style="text-align: right;">Date Issued:</p> <p style="text-align: right;">Issue, or version:</p> <p style="text-align: right;">ISBN Number:</p> <p style="text-align: right;">ISSN Number:</p> <p style="text-align: right;">Cost of Incorporated Reference:</p> <p style="text-align: right;">Adds, updates, removes:</p>
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#### Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)
- A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 05/15/2014
- B) A public hearing (optional) will be held:
- On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

#### Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 05/22/2014
- NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

#### Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
- individual open enrollment period

### File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

### To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

### Agency Authorization

Agency head or designee, and title:	Todd Kiser Commissioner	Date (mm/dd/yyyy):	03/19/2014
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